

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

CIVIL ACTION NO. 1:19-cv- 293-LG-RHW

\$14,800.00 IN UNITED STATES CURRENCY, ET AL.,

DEFENDANT PROPERTY.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff United States of America, by and through the United States Attorney for the Southern District of Mississippi and the undersigned Assistant United States Attorney, brings this complaint for forfeiture *in rem* and in accordance with Supplemental Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, alleges as follows.

NATURE OF THE ACTION

1. This is a civil action *in rem* to forfeit to the United States the following assets (the “Defendant Property”):

Asset Description	Asset ID Number
\$14,800.00 in United States Currency	18-ICE-001826
HP Pavilion Laptop, Serial #: 5CD60445ZL, Passcode: 3121151	18-ICE-001828
Miscellaneous documents	18-ICE-001829
Credit Card Scanner-DEFTUN, MSR X6, SN: 0616108644	18-ICE-001830
Apple iPhone 7, in black protective case, telephone number 305-218-5458, ICCID-89014103277311885193	18-ICE-001831
Three (3) counterfeit credit cards: (1) Citi Bank “thankyou Preferred” Visa “Travel Card” with no embossed credit card number, but encoded with Bank of America credit card number 474476xxxx4068, in the name of M.D.;	18-ICE-001827 18-ICE-001832

<p>(2) Bank of America Visa “Travel Card” embossed with ITS Merchants and Planters Bank credit card number 400799xxxx7758, but encoded with Bank of Botetourt credit card number 449548xxxx6015; and</p> <p>(3) JP Chase Visa eBay “Travel Card” embossed with Wells Fargo Bank credit card number 473702XXXX3570, but encoded with CNB Bank credit card number 473311XXXX2745.</p>	
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all of which constitute proceeds of or were facilitating or involved in violations of federal laws.

2. The **Defendant Property** is subject to forfeiture under 18 U.S.C. §§ 492 and 981(a)(1)(C) and (a)(1)(D) and under 28 U.S.C. § 2461 because the **Defendant Property** was involved in violations of 18 U.S.C. §§ 491 (counterfeiting), 513 (forged securities of private entities affecting interstate commerce), 514 (counterfeiting), 1028 (identity theft), 1029 (access device fraud), and 1343 (wire fraud). Additionally, the criminal defendants, Jorge Alberto Perez-Marín and Alexey Aguilera, from whom the **Defendant Property** was seized have each pleaded guilty to a one-count information for aggravated identity theft (in violation of 18 U.S.C. § 1028A). Perez and Aguilera (and their respective attorneys) each signed a Consent to Forfeiture or Destruction of Property and Waiver of Notice (attached as Exhibits A and B) regarding the **Defendant Property**.

JURISDICTION AND VENUE

3. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C. § 1355(a), and over this particular action under 28 U.S.C. § 1331 and 18 U.S.C. § 924.

4. The Southern District of Mississippi is a proper venue, under 28 U.S.C. § 1355(b)(1)(A), because the acts giving rise to this *in rem* forfeiture action occurred in Gulfport, Mississippi, a city within this District, and under 28 U.S.C. § 1395(b) because the **Defendant Property** was found and seized in this District.

THE DEFENDANTS IN REM

5. The **Defendant Property** consists of the following:

Asset Description	Asset ID Number
\$14,800.00 in United States Currency	18-ICE-001826
HP Pavilion Laptop, Serial #: 5CD60445ZL, Passcode: 3121151	18-ICE-001828
Miscellaneous documents	18-ICE-001829
Credit Card Scanner-DEFTUN, MSR X6, SN: 0616108644	18-ICE-001830
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Federal law enforcement officers seized the **Defendant Property** (and other assets which have already been administratively forfeited) on February 17, 2018, from Perez and Aguilera. All of the **Defendant Property** is located in an HSI evidence vault in Gulfport, Mississippi.

BASIS FOR FORFEITURE

6. The **Defendant Property** is subject to forfeiture under 18 U.S.C. §§ 492 and 981(a)(1)(C) and (a)(1)(D) and under 28 U.S.C. § 2461 because the **Defendant Property** constituted proceeds of or was facilitating or involved in violations of 18 U.S.C. §§ 491 (counterfeiting), 513 (forged securities of private entities affecting interstate commerce), 514 (counterfeiting), 1028 (identity theft), 1029 (access device fraud), and 1343 (wire fraud).

FACTS AND CIRCUMSTANCES

7. A detailed account of the facts and circumstances supporting the seizure and forfeiture of the **Defendant Property** is set out in Homeland Security Investigations Special Agent Todd Key's declaration, which is attached hereto as Exhibit "C" and incorporated herein by reference.

FIRST CLAIM FOR RELIEF

(18 U.S.C. §§ 492 and 981(a)(1)(C) and (a)(1)(D) and 28 U.S.C. § 2461)

8. Paragraphs 1 through 7 above are incorporated by reference as if fully set forth herein.

9. The **Defendant Property** is subject to seizure and forfeiture to the United States under 18 U.S.C. § 492, which authorizes the forfeiture of "[a]ll counterfeits of any coins or obligations or other securities of the United States . . . , or any articles, devices, and other things made, possessed, or used in violation of this chapter . . . , or any material or apparatus used or fitted or intended to be used, in the making of such counterfeits, articles, devices or things. . . ." 18 U.S.C. § 492. *See also* 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(D) (providing forfeiture authorization for proceeds); and 28 U.S.C. § 2461 (providing broad forfeiture authorization).

PRAYER FOR RELIEF

Plaintiff United States requests that:

- (a) the Court find that the United States has demonstrated it has a reasonable belief that the **Defendant Property** is forfeitable to the United States under 18 U.S.C. §§ 492 and 981(a)(1)(C) and (a)(1)(D) and under 28 U.S.C. § 2461;
- (b) under Supplemental Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the Court issue a warrant of arrest *in rem* for

the arrest and seizure of the **Defendant Property** based on this verified complaint, which the United States will execute to bring the **Defendant Property** within the jurisdiction of the Court for purposes of this statutory forfeiture action;

- (c) process issue to enforce the forfeiture of the **Defendant Property**;
- (d) notice of this action be given to all under Supplemental Rule G(3)(b), which the United States will execute upon the **Defendant Property** located in the custody of HSI under 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c);
- (e) notice of this action be given to all persons and entities known or thought to have an interest in or right against the **Defendant Property** to appear and show why the forfeiture should not be decreed;
- (f) the Court decree that forfeiture of the **Defendant Property** to the United States is confirmed, enforced, and ordered;
- (g) the Court award the United States its costs and disbursements in this action; and
- (h) the Court order such other relief that it deems just and proper.

Dated: Friday, May 24, 2019

Respectfully submitted,

D. MICHAEL HURST, JR.
UNITED STATES ATTORNEY


By: /s/ J. Wesley Webb
J. WESLEY WEBB (MSB #104495)
ASSISTANT UNITED STATES ATTORNEY
OFFICE OF THE UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF MISSISSIPPI
501 East Court Street, Suite 4.430
Telephone: 601.965.4480
Facsimile: 601.965.4032
E-mail: James.Webb2@usdoj.gov

VERIFICATION

I, Todd Key, hereby verify and declare under penalty of perjury that I am a Special Agent with the Homeland Security Investigations (HSI), within the Department of Homeland Security, that I have read the foregoing Verified Complaint for Forfeiture *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint for Forfeiture *in rem* are true to my own knowledge, except that those matters herein stated to be alleged on information and belief, and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States of America, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as an HSI Special Agent.

Dated this the 24th day of May, 2019.



Todd Key
Special Agent
Homeland Security Investigations

CIVIL COVER SHEET

1:19-cv-293-LG-RHW

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Marc A. Perez, U.S. Attorney's Office
501 East Court Street, Suite 4.430, Jackson, MS 39201 (601) 965-4480

DEFENDANTS

\$14,800.00 in United States Currency, et al.

County of Residence of First Listed Defendant Harrison County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. 492, 981(a)(1)(C) and (a)(1)(D); and 28 U.S.C. 2461(c)

Brief description of cause:

Civil forfeiture of currency, various assets seized from Jorge Alberto Perez-Marin and Alexey Aguilera

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

5/24/2019

/s/ J. Wesley Webb

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

1. Agency
DHS Homeland Security Investigations

**Consent to Forfeiture or Destruction of
Property and Waiver of Notice**

2. Investigation/Case Number 1:18-cr-109-HSO-JCG	
3. Full Name and Address of Owner Granting Consent Jorge Alberto Perez c/o Ana M. Davide ANA M. DAVIDE, PA 2929 SW 3rd Ave., Suite 420 Miami, FL 33129	4a. Date of Seizure/Receipt 02/17/2018
	4b. Date Taken into Agency Custody 02/17/2018
5. Judicial District in Which Property Seized/Received Southern District of Mississippi	6. Agency Subdivision HSI Gulfport
7a. Property Item Number	7b. Description of Property
18-ICE-001834	Apple iPhone 6, white, in gold protective case, telephone number 786-354-7377, IMEI # 359287066948449
18-ICE-001833	Apple iPhone 8, white, in red protective case
18-ICE-001831	Apple iPhone 7, in black protective case, telephone number 305-218-5458, ICCID-89014103277311885193
18-ICE-001830	Credit Card Scanner-DEFTUN, MSR X6, SN: 0616108644
18-ICE-001826	\$14,800.00 in US Currency

(use second page if necessary)

8. Consent to Forfeiture or Destruction of Property and Waiver of Notice

I, the undersigned, declare under penalty of perjury that I have a possessory interest in the above-listed property. I hereby voluntarily surrender and relinquish all rights, title, and interest in, and all claims to the above-described property in order that said property may be disposed of by the agency listed above in accordance with law. I understand that the above-described property may be subject to administrative or judicial forfeiture under State or Federal law, or may otherwise be disposed of in accordance with law, including destruction as abandoned property or contraband material. I hereby expressly consent to such action by the agency without further notice.

In the event that the agency seeks to forfeit the above-described property, either administratively or judicially, I understand that I am entitled to notice of the forfeiture proceedings, but hereby waive my rights to such notice. I fully and willingly consent to the forfeiture of the above-described items. Furthermore, I expressly waive any right to receive notice of any forfeiture proceeding, any right to challenge any forfeiture, and any right to later request remission or mitigation of forfeiture or otherwise seek the return of the above-described property under Federal law. I further agree to hold harmless and indemnify the above-named agency, its officers, employees, and agents, to the extent of the value of the above-described property in any proceeding, including any claim of innocent ownership and any claim or defense under the Eighth Amendment, including any claim that such forfeiture constitutes an Excessive Fine.

I further agree to unconditionally release and hold harmless the above-named agency, its officers, employees and agents from any and all claims, grievances, entitlements, demands, damages, causes of action or suits, whether in their official or individual capacity, of whatever kind and description, and wherever situated, that might now exist or hereafter arise by reason of, or growing out of, or affecting, directly or indirectly, the possession, seizure, custody, destruction, or other lawful disposition of the above-described property. I further agree to hold harmless and indemnify the above-named agency, its officers, employees, and agents, to the extent of the value of the above-described property in accordance with law.

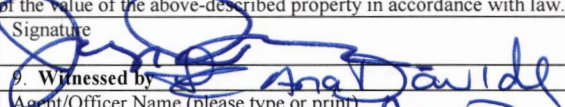
Signature 	Date 4-30-19
9. Witnessed by Agent/Officer Name (please type or print) and Signature Ana Davide	Date 4-30-19
Other Witness Signature (please print name and title) and Signature	Date

EXHIBIT A

1. Agency
DHS Homeland Security Investigations

**Consent to Forfeiture or Destruction of
Property and Waiver of Notice**

2. Investigation/Case Number 1:18-cr-109-HSO-JCG		PAGE 2 OF 2	
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18-ICE-001829	Miscellaneous documents		
18-ICE-001827 18-ICE-001832	5 Counterfeit credit cards		

(use second page if necessary)

8. Consent to Forfeiture or Destruction of Property and Waiver of Notice

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I further agree to unconditionally release and hold harmless the above-named agency, its officers, employees and agents from any and all claims, grievances, entitlements, demands, damages, causes of action or suits, whether in their official or individual capacity, of whatever kind and description, and wherever situated, that might now exist or hereafter arise by reason of, or growing out of, or affecting, directly or indirectly, the possession, seizure, custody, destruction, or other lawful disposition of the above-described property. I further agree to hold harmless and indemnify the above-named agency, its officers, employees, and agents, to the extent of the value of the above-described property in accordance with law.

Signature	Date
9. Witnessed by	
Agent/Officer Name (please type or print) and Signature	Date
Other Witness Signature (please print name and title) and Signature	Date

EXHIBIT A

1. Agency
DHS Homeland Security Investigations

**Consent to Forfeiture or Destruction of
Property and Waiver of Notice**

2. Investigation/Case Number 1:18-cr-109-HSO-JCG	
3. Full Name and Address of Owner Granting Consent Alexey Aguilera c/o Joshua T. Kadel Federal Public Defendant -- Gulfport 2510 14th Street, Suite 902 Gulfport, MS 39501	4a. Date of Seizure/Receipt 02/17/2018
	4b. Date Taken into Agency Custody 02/17/2018
5. Judicial District in Which Property Seized/Received Southern District of Mississippi	6. Agency Subdivision HSI Gulfport
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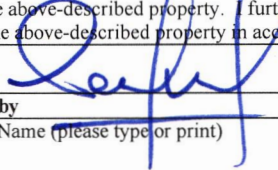
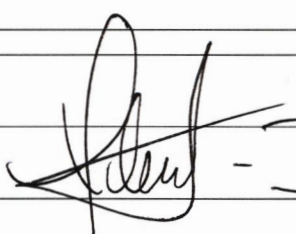
Signature	Date
	04/30/19
9. Witnessed by Agent/Officer Name (please type or print) and Signature	Date
Other Witness Signature (please print name and title) and Signature	Date
 - Interpreter	4/30/19

EXHIBIT B

1. Agency
DHS Homeland Security Investigations

**Consent to Forfeiture or Destruction of
Property and Waiver of Notice**

2. Investigation/Case Number 1:18-cr-109-HSO-JCG		PAGE 2 OF 2	
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		4b. Date Taken into Agency Custody 02/17/2018	
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(use second page if necessary)

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In the event that the agency seeks to forfeit the above-described property, either administratively or judicially, I understand that I am entitled to notice of the forfeiture proceedings, but hereby waive my rights to such notice. I fully and willingly consent to the forfeiture of the above-described items. Furthermore, I expressly waive any right to receive notice of any forfeiture proceeding, any right to challenge any forfeiture, and any right to later request remission or mitigation of forfeiture or otherwise seek the return of the above-described property under Federal law. I hereby expressly waive all constitutional, legal and equitable claims arising out of and/or defenses to forfeiture of the above-described property in any proceeding, including any claim of innocent ownership and any claim or defense under the Eighth Amendment, including any claim that such forfeiture constitutes an Excessive Fine.

I further agree to unconditionally release and hold harmless the above-named agency, its officers, employees and agents from any and all claims, grievances, entitlements, demands, damages, causes of action or suits, whether in their official or individual capacity, of whatever kind and description, and wherever situated, that might now exist or hereafter arise by reason of, or growing out of, or affecting, directly or indirectly, the possession, seizure, custody, destruction, or other lawful disposition of the above-described property. I further agree to hold harmless and indemnify the above-named agency, its officers, employees, and agents, to the extent of the value of the above-described property in accordance with law.

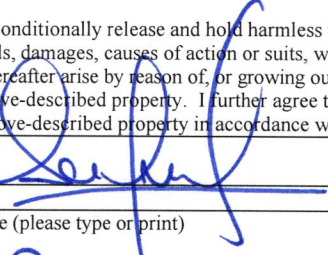
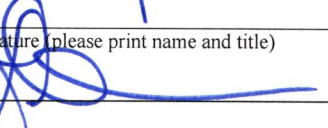
Signature	Date
	04/30/19
9. Witnessed by Agent/Officer Name (please type or print) and Signature	Date
Other Witness Signature (please print name and title) and Signature	Date
	4/30/19

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

CIVIL ACTION NO. 1:19-cv- 293-LG-RHW

\$14,800.00 IN UNITED STATES CURRENCY, ET AL.,

DEFENDANT PROPERTY.

DECLARATION

Under 28 U.S.C. § 1746, I, Todd Key, a Special Agent with the Homeland Security Investigations (HSI), within the Department of Homeland Security, make the following unsworn declaration, under the penalty of perjury, pertinent to the above-styled and numbered case:

I. BACKGROUND

1. I, Special Agent Todd Key, am a duly sworn Special Agent with HSI. I am assigned to the Office of the Resident Agent in Charge, Gulfport, Mississippi. As an HSI Special Agent, I enforce a diverse portfolio of federal laws, more than any other federal agency. I am responsible for investigating violations of U.S. customs and immigration laws pertaining to border security, homeland security, and public safety.

2. I have been employed as an HSI Special Agent since January 2006, and have been trained specifically in the investigation and elements of federal crimes at the Federal Law Enforcement Training Center at Glynco, Georgia. I was previously employed as a U.S. Customs and Border Protection Officer in Memphis, Tennessee from 2002 to 2006. I was also employed as an agent with the Mississippi Gaming Commission's, Criminal Investigative Division from 1996 to 2002. I hold a Bachelor's of Science degree in Criminal Justice from the University of Southern Mississippi.

3. For the majority of my employment with HSI, I have been assigned responsibilities to investigate federal crimes involving money laundering and white-collar financial crimes. At all times during the investigation described in this declaration, I have been acting in an official capacity as an HSI Special Agent.

4. The excerpts and descriptions provided below may not constitute the entire investigation, but contain only the information that I reasonably believe is relevant to establish that the named property is subject to civil seizure and forfeiture.

EXHIBIT C

5. The information contained in this declaration is provided for the limited purpose of establishing the basis for civil seizure and forfeiture of the named property. As discussed below, I submit there is a reasonable belief, as required by Rule G(2)(f) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, that the United States will meet its burden of proof at trial that the assets named below constitute proceeds of or were facilitating or involved in violations of 18 U.S.C. §§ 491 (counterfeiting), 513 (forged securities of private entities affecting interstate commerce), 514 (counterfeiting) 1028 (identity theft), 1029 (access device fraud), and 1343 (wire fraud). Consequently, there is a reasonable belief that these assets are subject to forfeiture under 18 U.S.C. §§ 492 and 981(a)(1)(C) and (a)(1)(D).

II. PROPERTY SOUGHT TO FORFEITED

6. On February 17, 2018, HSI seized the following assets from two males, identified as Jorge Alberto Perez-Marin (“Perez”) and Alexey Aguilera (“Aguilera”):

- a. \$14,800.00 in United States Currency (18-ICE-001826);
- b. HP Pavilion Laptop, Serial #: 5CD60445ZL, Passcode: 3121151 (18-ICE-001828);
- c. Miscellaneous documents (18-ICE-001829);
- d. Credit Card Scanner-DEFTUN, MSR X6, SN: 0616108644 (18-ICE-001830);
- e. Apple iPhone 7, in black protective case, telephone number 305-218-5458, ICCID-89014103277311885193 (18-ICE-001831);
- f. Apple iPhone 8, white, in red protective case;
- g. Apple iPhone 6, white, in gold protective case, telephone number 786-354-7377, IMEI# 359287066948449 (18-ICE-001834); and
- h. Four (4) counterfeit credit cards (18-ICE-001827 and 18-ICE-001832):
 - (1) Citi Bank “thankyou Preferred” Visa “Travel Card” with no embossed credit card number, but encoded with Bank of America credit card number 474476xxxx4068, in the name of M.D.;¹
 - (2) Bank of America Visa “Travel Card” embossed with ITS Merchants and Planters Bank credit card number 400799xxxx7758, but

¹ Bank of America reported that M.D.’s credit card number was closed with no fraud loss.

encoded with Bank of Botetourt credit card number 449548xxxx6015;²

- (3) JP Chase Visa eBay “Travel Card” embossed with Wells Fargo Bank credit card number 473702XXXX3570, but encoded with CNB Bank credit card number 473311XXXX2745;³ and
- (4) Bank of America Visa “Travel Card.”

Of these assets, the assets identified as “f,” “g,” and “h(4)” above (Apple iPhone 8, white, in red protective case (identified by HSI with property identification numbers SZ#2018SZ004994302 and FPF#2019190200004202); Apple iPhone 6, white, in gold protective case, telephone number 786-354-7377, IMEI# 359287066948449; and Bank of America Visa “Travel Card”) were administratively forfeited on October 4, 2018. Accordingly, the United States seeks the forfeiture of only the following assets (hereafter, the “**Defendant Property**”):

Asset Description	Asset ID Number
\$14,800.00 in United States Currency	18-ICE-001826
HP Pavilion Laptop, Serial #: 5CD60445ZL, Passcode: 3121151	18-ICE-001828
Miscellaneous documents	18-ICE-001829
Credit Card Scanner-DEFTUN, MSR X6, SN: 0616108644	18-ICE-001830
Apple iPhone 7, in black protective case, telephone number 305021805458, ICCID-89014103277311885193	18-ICE-001831
Three (3) counterfeit credit cards: (1) Citi Bank “thankyou Preferred” Visa “Travel Card” with no embossed credit card number, but encoded with Bank of America credit card number 474476xxxx4068, in the name of M.D.; (2) Bank of America Visa “Travel Card” embossed with ITS Merchants and Planters Bank credit card number 400799xxxx7758, but encoded with Bank of Botetourt credit card number 449548xxxx6015; and	18-ICE-001827 18-ICE-001832

² Merchants and Planter Bank reported that the credit card account had been deleted in December 2017 upon the card holder’s request, because the credit card number had been compromised. Bank of Botetourt reported one fraud transaction conducted on February 16, 2018, for \$65.34 at Pensacola, Florida. There also were two declined fraudulent transactions conducted on February 17, 2018, in the amount of \$1.00 each in Robertsedale, Alabama.

³ Wells Fargo Bank reported that the credit card had been closed on October 6, 2017, with no reported fraud loss. CNB Bank has not responded to requests for information.

(3) JP Chase Visa eBay “Travel Card” embossed with Wells Fargo Bank credit card number 473702XXXX3570, but encoded with CNB Bank credit card number 473311XXXX2745.	
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III. FACTS AND CIRCUMSTANCES

7. On February 17, 2018, a CVS Pharmacy supervisor contacted the Gulfport Police Department (GPD) and reported alleged credit card fraud involving an automatic teller machine (ATM) inside the CVS Pharmacy, located in Gulfport, Mississippi. The CVS supervisor recognized two males from a previous incident at the beginning of February 2018. During that previous incident, the two men had used multiple credit cards to take money from the ATM. Shortly thereafter, Keesler Federal Credit Union (KFCU) had called CVS to advise that a stolen credit card had just been used at their store.

8. In response to the CVS supervisor’s call, GPD Officer Anthony Scheeler arrived at the store. Officer Scheeler observed a “white male,” later identified as Aguilera, at the ATM. After looking toward Officer Scheeler, Aguilera appeared startled and began immediately walking to the rear of the CVS store.

9. Upon exiting the store, Officer Scheeler observed a 2018 Hyundai Santa Fe with Florida tags (JAQT90) backed into a parking space. Officer Scheeler spoke with the Hyundai’s front seat passenger, Perez, who advised that he was waiting for his friend to come out of the store. Perez stated that he was from Miami, Florida and was headed to New Orleans, Louisiana to buy a truck for his trucking company, “Best Transportation.” Officer Scheeler told Perez that he was observed using multiple credit cards at the ATM inside the CVS, and Perez handed Officer Scheeler a single credit card. As he did so, Perez made several furtive movements in an apparent attempt to conceal from Officer Scheeler multiple other credit cards in his wallet. Perez showed Officer Scheeler a bank account on his cellular phone which appeared to have a couple hundred dollars in the account. I believe Perez did this in an attempt to convince Officer Scheeler that he was telling the truth about his travel plans.

10. Meanwhile, GPD officers met Aguilera inside the CVS, and brought him outside the store to talk to him. Aguilera told GPD officers that he and Perez were going to New Orleans to look at a truck and were then traveling to Houston, Texas, but when Officer Scheeler asked Perez, Perez advised that he was returning to Miami immediately after New Orleans.

11. Perez, who had rented the Hyundai at Miami International Airport on February 16, 2018, verbally consented to a vehicle search. During the search, Officer Scheeler located a backpack containing a silver laptop HP computer and an eyeglass case containing a credit card reader. A black bag on the rear floorboard—centered between the driver and passenger seats—contained four bundles of currency totaling \$14,800.00 in twenty-dollar bills. Officer Scheeler also located several credit cards embossed with Perez and Aguilera’s names.

12. GPD Detective Max Ramon interviewed the CVS supervisor, who stated that Perez had come into the store and used multiple credit cards to remove money from the ATM. The supervisor said she remembered Perez from two weeks prior because a representative from KFCU had contacted her about someone using a fraudulent credit card to obtain money from the ATM in the CVS store.

13. Perez and Aguilera were transported to GPD for interview, but the two men refused to waive their Miranda rights and refused to make a statement. HSI Special Agent Holly Krantz seized all the above-listed assets, including the **Defendant Property**. Perez and Aguilera were released and provided a property receipt for the above-listed assets.

14. On February 19, 2018, I collected the seized credit cards to determine if any of them were legitimate. Perez had been in possession of three fraudulent credit cards: (1) a JP Chase credit card altered with a Wells Fargo Bank credit card number (identified above as asset “h(3)”); a Bank of America credit card altered with an ITS Bank credit card number (identified above as asset “h(2)”); and a Citi Bank credit card altered with a Bank of America credit card number (identified above as asset “h(1)”). Each credit card contained a label indicating it was a “Travel Card.” Aguilera had been in possession of one Bank of America credit card, which was blank. It did not have an embossed credit card number or a name on the front of the card, just a label reading “Travel Card.” This blank credit card could have been used to make purchases or withdrawal cash from ATMs if a fraudulent credit card number was uploaded to it.

15. On April 12, 2018, U.S. Magistrate Judge Gargiulo signed a federal search and seizure warrant authorizing HSI to search the cell phones, laptop and credit card scanner seized in this case.

16. On May 3, 2018, HSI Computer Forensics Agent (CFA), Troy McCarter began conducting the forensic exam on the HP Pavilion laptop computer. CFA McCarter recovered document files containing credit card numbers and personal identification information (PII). CFA McCarter recovered email fragments of suspected access device fraud. CFA McCarter determined there were artifacts of programs utilized to access credit cards known as smart cards with chip technology. There were also artifacts of programs utilized to access magnetic stripe card reader/writer programs, i.e. MSR magnetic stripe card reader/writer. CFA McCarter determined a web browser was installed to access the TOR network (the “Dark Web”), and that the TOR network was accessed on the laptop computer. CFA McCarter found a program known as VMware-Horizon which allows the laptop to become a virtual machine. In July 2018, the Apple iPhones were sent to the HSI Cyber Crime Center (C3) for extraction. C3 was able to conduct partial extractions of the iPhones which revealed credit card numbers and PII. C3 also found fragments of suspected access device fraud.

17. On July 10, 2018, a ten-count indictment was returned by a federal grand jury against Perez and Aguilera in the United States District Court for the Southern District of Mississippi, Southern Division, for the criminal conduct described in this Declaration, specifically violations of 18 U.S.C. §§ 1028 (identity theft), 1028A (aggravated identity theft) and 1029 (access device crimes and conspiracy to commit access device crime).⁴ This indictment named all of the assets seized (except the fraudulent credit cards—asset “h” above—and the miscellaneous documents—asset “c” above) in the notice of criminal forfeiture.

18. On April 24, 2019, the United States Attorney’s Office filed a one-count information against Perez and Aguilera each, for aggravated identity theft (in violation of 18 U.S.C. § 1028A).⁵ On April 30, 2019, Perez and Aguilera both entered plea agreements.⁶ The United States will move to dismiss the indictment after Perez and Aguilera’s sentencing hearings, currently set for August 8, 2019, and July 31, 2019, respectively.

19. Although the indictment returned in *United States v. Perez, et al.* included a Notice of Intent to Seek Criminal Forfeiture of any property involved in the offenses alleged in the indictment, no forfeiture can be sought through each defendant’s information, because the statute to which Perez and Aguilera have pleaded guilty—18 U.S.C. § 1028A—does not authorize asset forfeiture. The **Defendant Property**, therefore, can no longer be forfeited through criminal forfeiture. Consequently, the United States seeks forfeiture of the **Defendant Property** through civil forfeiture proceedings.

IV. CONCLUSION

21. Based on the above information, I submit there is a reasonable belief, as required by Rule G(2)(f) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, that the United States will meet its burden of proof at trial that the **Defendant Property** constitute proceeds of or were facilitating or involved in violations of 18 U.S.C. §§ 491 (counterfeiting), 513 (forged securities of private entities affecting interstate commerce), 514 (counterfeiting) 1028 (identity theft), 1029 (access device fraud), and 1343 (wire fraud) and that therefore the **Defendant Property** is subject to forfeiture under 18 U.S.C. §§ 492 and 981(a)(1)(C) and (a)(1)(D).

⁴ See Indictment, *United States v. Perez, et al.*, 1:18-cr-109-HSO-JCG, ECF No. 3.


⁵ See Information, *United States v. Perez*, 1:19-cr-72-HSO-JCG, ECF No. 1; Information, *United States v. Aguilera*, 1:19-cr-74-HSO-JCG, ECF No. 1.

⁶ See Plea Agreement, *Perez*, 1:19-cr-72-HSO-JCG, ECF No. 12; Plea Agreement, *Aguilera*, 1:19-cr-74-HSO-JCG, ECF No. 7.

22. I declare, pursuant to 28 U.S.C. § 1746, that the foregoing is true and accurate to the best of my knowledge and belief.

DATE:

5/24/19



Todd Key
Special Agent
Homeland Security Investigations